

# PLANNING BOARD

TOWN OF TISBURY  
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## MEETING MINUTES

**DATE:** February 2, 2022

**TIME:** 5:00 PM

**PLACE:** Due to ongoing efforts to prevent spread of Covid-19 this meeting will be held remotely via Zoom platform. The Public can attend and participate in the meeting by the following method:

Join Zoom Meeting

<https://zoom.us/j/92981190460> Meeting ID: 929 8119 0460

One tap mobile

+1 646 876 9923 US (New York)

**ATTENDANCE:** Alexander, Bellante Holand, Doble, Miller, Munafo, Robinson

**MINUTES:** As referred in the January 19, 2022, Meeting Agenda

E. Miller moved to approve the minutes of 03 November 2021, 01 December 2021 and 15 December 2021 as written. C. Alexander seconded the motion. m/s/c 5/0/0

05 January 2022      Deferred

## APPOINTMENTS:

5:00 PM      Board Discussions  
Attendance: Sharon Gregory Carbon, R. Seavey (5:20P), Nancy Weaver (5:39P)

### Development Guides -: Revisions

P. Harris, board staff informed the Board of town counsel's comments and recommended edits. D. Bellante-Holand at counsel's suggestion revised the first sentence of the third paragraph to state, " These guidelines are Part 2 of the Application Packet – Part 1 is an Online Checklist that assists applicants in submitting a complete application." The correction clarified that the online checklist was part of the application packet and a separate checklist from the development guidelines.

The second correction pertained to B. Robinson's proposal for Item No. 1 under the section entitled Environment. Town counsel thought the language was confusing. B. Robinson reviewed town counsel's recommendation and submitted the following correction "Overburdening: All projects require significant material and energy use. Proposals and designs should describe how the project has reduced or conserved **both** materials and energy to protect our threatened and/or diminishing environmental services ~~by choices the project.~~"

There being no further comment, D. Bellante Holand entertained a motion to approved the two corrections. The Board m/s/c to approve the revisions as presented: 5/0/0

D. Bellante Holand inquired if board staff knew when the online version of the application was going to be launched. Board staff believed within a couple of weeks as she and R. Seavey continued to tweak the information and design the launching page to provide the Board an overview of the application process from the applicant's perspective when they log on to the webpage.

D. Bellante Holand inquired if they've been disseminating the guidelines. Board staff replied in the affirmative. E. Miller thought they should send the information out to the surveyors and architects because it was quite a significant change. C. Alexander thought another venue was the Massachusetts Builders Association. E. Miller thought they could send it to the association in addition to the local surveyors and architects. B. Robinson thought they should email it out to the surveyors since the architects will have to work the local surveyors.

D. Bellante Holand asked E. Miller if she could draft the notification to go out with the development guidelines. E. Miller agreed. She also suggested adding the information on the Planning Board's page under "News".

#### Master Plan RFQ

C. Doble informed the Board that J. Barrett revised the scope of the proposal into four phases, in which the first three phases dealt with the start-up, policies and implementation. She mentioned that the budget increased significantly in large part due to their request for the development of the area plans.

At present the Board had \$145,000.00 from the warrant article, \$50,000.00 from the Embarkation Funds and another \$50,000.00 from the Board's budget. The revised contract increased up to \$195,00.00 (or by an additional \$67,500.00) to cover P. Flinger's costs to generate detailed area plans. She understood that they could combine the funds from the warrant article and embarkation fund but could not do so with the \$50,000.00 in their budget. So she spoke with J. Grande and J. Barrett about removing the area plans from the Master Plan and negotiating a separate contract for them with the \$50,000.00.

C. Doble wanted to have a completed Master Plan, which J. Barrett confirmed was feasible without the area plans. C. Doble asked J. Grande if the Board could enter into a contract for the area plans, if part of the funds would not be available until the next fiscal year, and J. Grande recommended against it. He explained that they could only encumber the funds they presently had within their budget.

B. Robinson inquired if he understood correctly that they could extend the contract to the next fiscal year. C. Doble was not certain what they could do once the contract was signed. She would have to confer with town counsel.

E. Miller understood that the project was going to take two to three years and much more than \$145,000.00. She understood they were going to have to ask for additional funds down the road to overhaul the zoning regulations. She did not see why they could not add the \$50,000.00 professional services line item for this project as well as the additional \$50,000.00 from the embarkation fund.

C. Doble understood and explained that they could only use the funds they had this fiscal year so that they could only afford the first three phases: vision plan, policy development and inventory assessment. They will not have the final plan or implementation plan. They had to decide what they wanted to accomplish this year and work out the contract. They had the option to phase out the scope of the work and wait until next year to negotiate a second contract to complete the plan or they could negotiate a contract for the master plan and a separate contract for the area plans (\$50,000.00). They had to tell the consultant how they wanted her to move forward.

C. Alexander thought they should move forward on the one contract for the Master Plan and a separate plan for the area plans.

E. Miller did not think it was unreasonable to pay as they go. She thought J. Grande was working on a "step work" payment plan. C. Doble informed the Board that J. Grande was writing a contract where the planning consultant would get paid monthly for work done.

D. Bellante Holand thought it important for the Board to make a decision on the subject and entertained a motion to approve the authorization of contract development with Barrett Group in the amount of \$195,000.00 to complete the Master Plan with \$50,000.00 as a separate contract for detailed area plans. She informed the Board that once they voted on the motion, the Board essentially encumbered all of the funds in their budget for professional services so that they would not be able to pay A. Turner until July 1, 2022 for D. Doyle's services.

C. Alexander recalled in past discussions that they were not able to use the embarkation funds unless they were used specifically for transportation. D. Bellante Holand noted that C. Doble had discussed the issue and resolved it so that they could be used for this project. C. Alexander moved to authorize the amount of \$195,000.00 to complete the Master Plan and the \$50,000.00 line item in their budget for professional services to

create a separate contract for the detailed area plans. B. Robinson seconded the motion. D. Bellante Holand roll called the Board: Doble, Robinson, Miller, Alexander and Bellante Holand voted in favor of the motion. 5/0/0

### Steering Committee

Board members were advised that they've received a total of seven applications for the steering committee.

D. Bellante Holand asked the Board how they wanted to proceed with the outreach process. C. Alexander noted that they wanted to include younger individuals on the committee but questioned if high school students would have a vote on the committee. B. Robinson thought they should have an equal standing on the committee.

P. Harris informed the Board that she received a call from an interested party, who inquired about the number of meetings and time commitment. C. Doble noted that they were going to have to meet with the committee to provide them background information, scope of work and a general overview of their plans, mandate, etc. B. Robinson concurred noting that they would have to anticipate an afternoon training course. D. Bellante Holand thought they could suggest a three-hour training session and up to four hours a month for meetings for the present until they meet and decide on their schedule, etc. C. Alexander recommended a two-hour training session. C. Doble that the two-hour orientation was reasonable.

P. Munafo advised the Board that he had received three unsolicited inquiries about the steering committee. E. Miller has emailed and called individuals. She's also checked off the names on the Board's list. Board members were encouraged to do the same.

B. Robinson inquired if they've asked the library and school were asked to provide the press release and application to their email lists. C. Doble replied in the affirmative. C. Alexander informed the Board that the school translated the materials in Portuguese. She offered to forward the translated materials to P. Harris so that it could be posted online. E. Miller thought they should be prepared to have a translator at their meetings.

D. Bellante Holand reminded the Board that they had agreed to meet on February 15, 2022 at 9 AM for the Steering Committee selection. She advised the Board that she would not be available that morning but intended to send the Board her notes prior to the meeting. She asked the Board if they anticipated interviewing the candidates, and how they wanted to go about doing the interviews. C. Doble and C. Alexander did not anticipate interviewing the candidates. C. Alexander assumed they were going to evaluate them independently, meet on 02/15/2022 to discuss if they will add to the diversity of the committee.

D. Bellante Holand offered to write a brief statement thanking the candidates for offering to serve on the committee and to inform them of the Board's meeting on February 15, 2022.

Planning Board Administrative Assistant

D. Belante Holand informed the Board that P. Harris was retiring and leaving the town's employment on March 11, 2022. She met with P. Bennett, HR to inquire about moving forward to fill the vacant position and to advertise for the Master Plan Project Manager. Board members were advised that P. Harris was not available to train once she departed the town's employment and was working with P. Bennett to make sure she understood they were operating on a tight schedule. She submitted the job description for the Master Plan Project Manager and urged Board members to encourage qualified individuals to apply for any of the positions.

E. Miller inquired about the alternative, if they are unable to fill the position prior to P. Harris' departure. P. Harris replied that the town hired temps to fill in. B. Robinson inquired if any of the temps she's hired in the past were viable applicants. Board staff replied only one, and that person had accepted a full-time position.

Planning Board Meeting on 02/16/2022

D. Bellante Holand notified the Board that she would not be available to meet with the Board and asked that the clerk conduct the meeting in her absence.

6:00 PM          Public Hearing (Cont.): Xerxes Agassipour re: 4 State Road LLC, AP 09A06  
Attendance: Erik Hammarlund (5:40 P)

The continuation of the hearing commenced in due form at 6:00 PM. Planning Board Chairman informed the Board that the applicant sent the Board an email dated 2/1/2022 requesting a continuation due to a conflict in schedule with the Tisbury Historic Commission.

P. Munafo moved to continue the hearing on March 2, 2022, at 6:45 PM. Said motion was seconded by C. Alexander. The Board voted in favor of the motion: 5/0/0

The Planning Board resumed their regularly scheduled meeting at 6:03 PM

6:15 PM          Adam Turner – Professional Contract Agreement with MV Commission and  
Traffic Study Agreement with Kurt Fraser  
Attendance: Ross Seavey, Jill Hansen, James Moffatt, Nancy Weaver

D. Bellante Holand informed the Board that they had scheduled an appointment with A. Turner to discuss the contract agreement for professional services and to obtain an update on the traffic study for Patrick Lyon's application for a 70-seat restaurant. A. Turner added that he was also prepared to discuss both the short-term traffic studies for the project reviews and an area wide traffic evaluation.

D. Bellante Holand suggested that they begin the discussion on the contract agreement. A. Turner recalled that the Planning Board had approached him about having the MV Commission provide them with additional resources due to their workload. He agreed and worked out a plan to provide the Planning Board the services of one of his staff members and allotting twenty percent of his time (8 hours/week) on Tisbury projects/issues for the next year.

The one staff member was going to report to A. Turner, as his administrator but was going to rely on the Planning Board and Town administrator to set up the agenda and to scope out the kind of work to be requested of him. He mentioned that it could include the work (mapping, graphics, etc.) the planning consultant, J. Barrett would be asking of the MV Commission.

D. Bellante Holand noted that B. Robinson, P. Munafo and C. Alexander did not receive a copy of the contract agreement, and asked board staff to screen share the document. She noted that when they first discussed the subject, B. Robinson requested additional information about the differences in the services currently provided the town as opposed to the services provided by the contract agreement.

D. Bellante Holand inquired if item no 5 pertaining to the reimbursement required a specific amount of time and/or work per week. A. Turner noted that current staff members could provide the towns some assistance pending on their workload, whereas with the contract the staff person is dedicating specific time for Tisbury projects, like the arrangement Bill Veno has with the MV Land Bank. D. Bellante Holand inquired if it was acceptable that they may not have work for D. Doyle over certain periods of time. A. Turner replied in the affirmative but hoped that he would be doing other work (studies, reports, analysis) in addition to working on the plan. D. Doyle could also do project reviews and anything else they need, not just the master plan.

B. Robinson notified A. Turner that the Planning Board had just voted to use the line item for professional services (\$50,000.00) in this fiscal year to subsidize the Master Plan project that was intended for the contract agreement with the MV Commission. They did not have the funds to hire D. Doyle this year. A. Turner mentioned that the contract was dated to start in February 2022. If they wanted to revise the contract, he asked the Planning Board to send him a letter informing him of the situation and how they wanted to proceed. The Town Administrator gave him the impression that the Planning Board wanted to start in February, if not they could adjust the contract.

P. Munafo inquired about the \$15,000.00 line item for the Master Plan Project Manager. D. Bellante Holand thought it was reasonable to assume this but wanted to confirm this with J. Grande. She thought it would benefit the Board if they could use the funds for this purpose, but the candidate they were considering for the position would be operating at a different level of skill.

D. Bellante Holand believed their appeared to be an expectation that they would be providing work for 1/5<sup>th</sup> of D. Doyle's time and salary up to 32 hours per month on Planning Board activity. A. Turner informed the Board that he simply wanted to help the Planning Board, so that it was fine to adjust the contract. He mentioned that the contract did not even specify the work D. Doyle was going to do, because he was leaving it up to the Board. He was capable of doing different analysis, reports, etc.

D. Bellante Holand thanked A. Turner for the clarifications, and thought it was a contract they would like to see begin at the beginning of the next fiscal year. In the interim, she thought the Board could spend time to develop a pre-set list of assignments for D. Doyle.

E. Miller thought it important to acknowledge that the agreement was for \$15,600.00 while they only had \$15,000.00 in their budget for a Master Plan Project Manager that could be used to sign on D. Doyle's services, especially when their one staff member was retiring. D. Bellante Holand inquired if she was proposing D. Doyle to apply for the Master Plan Project Mgr. position. A. Turner offered to ask D. Doyle. C. Doble agreed with D. Bellante Holand. She was concerned that in committing to work as the project manager he would not be available to assist with Planning projects. C. Doble noted that the Master Plan was going to take fourteen to sixteen months to complete. He may not be able to make the commitment if he moved on to other planning projects.

A. Turner offered to return in two weeks to give the Board time to discuss the agreement and consider what they wanted.

D. Bellante Holand noted the time and advised the Board that they needed to move forward on a specific list of projects for D. Doyle. She felt if that D. Doyle could work as a project manager and take on some planning projects or do some of the project manager's task as he worked on projects suited to his level of expertise. She felt the list would help them determine how D. Doyle could best serve the Planning Board.

A. Turner offered to return in a couple of weeks with D. Doyle to discuss the Planning Board's ideas and decision.

### Traffic Analysis

A. Turner informed the Board that he had negotiated an area wide traffic model of the downtown area to develop a data base that applicants could use and build on with future applications. He mentioned that he had just reached an agreement with Fraser Polyengineering given that he was presently working on several individual studies that were site specific within the area. This way they will all be working on the common traffic assumptions, trip generations, etc. He offered to provide the Board a scope of works to review.

6:52 PM      Public Hearing: Zoning Bylaw Amendments: Sections 02.00 (Definitions),  
and Section 09.05 (Floodplain District)  
Attendance: Ross Seavey, Melinda Loberg (6:34 PM),

D. Bellante Holand read the public hearing notice into the minutes as the Planning Assistant screen shared a copy of the proposed bylaw amendment. P. Harris informed the Board that proposed amendments to section 09.05 were withdrawn from the previous year's warrant to reduce the number of articles at their last special town meeting.

The regulations were slightly modified at the Flood Hazard Management's request to qualify for the Flood Insurance Rate Program. D. Bellante Holand inquired if she understood correctly that the revisions were mandatory and not subject to further revision. Board staff replied in the affirmative. D. Bellante Holand inquired about the substantial revisions. Board staff replied that they created the position of a Floodplain Administrator to enforce the regulation, which had been assigned to the Building Inspector.

P. Harris added that they were also adding definitions specific to the regulation which were proposed to be included under section 02.00 (Definitions). The definitions were screen shared. She advised the Board that the state was no longer recommending the adoption of two definitions. R. Seavey informed the Board that the state no longer recommended the definitions for Flood Boundary & Floodway Map and Flood Hazard Boundary Map. He explained that they did not have the maps.

B. Robinson inquired if there were any overlap in the definitions that would contradict or change an existing definition. P. Harris noted that they were specific to the regulation (s. 09.05). C. Alexander inquired if they would benefit from having these maps, and soliciting funds to produce them. Board staff recalled R. Seavey indicated that they did not exist for the town and not in use by state department supervising the regulation.

R. Seavey suggested adding a header to explain that the definitions specifically applied to section 09.05, if they were not incorporated into the text of the regulation.

M. Loberg informed the Board that she attended the Dukes County FEMA Regional Coastal Erosion Hazard Area Study Meeting this past Monday to learn that the state had an online education tool that provided access to flood maps within their communities and important information about inundation, etc. D. Doyle attended the meeting and could be a great resource. D. Bellante Holand asked M. Loberg to clarify how they could benefit from the information. M. Loberg explained that the town through its permitting offices could provide applicants the information or embed a link on the website directing the public to the website for informational purposes.

There being no further comment from the Board, D. Bellante Holand was prepared to entertain a motion to accept the bylaw amendment as presented with R. Seavey's recommendations pertaining to the definitions. E. Miller so moved. C. Alexander seconded the motion. D. Bellante Holand roll called the Board: Doble, Robinson, Miller, Bellante Holand and Alexander all voted in favor of the motion.

D. Bellante Holand entertained a motion to close the hearing. B. Robinson moved to close the hearing at 7:07 PM. C. Alexander seconded the motion. The motion carried: 5/0/0

C. Alexander asked M. Loberg to email the Planning Board's staff the link to the educational tool.

7:08 PM      Public Hearing: Tisbury Street List for 2022  
Attendance: Ross Seavey

Hearing commenced in due form, and the Planning Board Chairman read the public hearing notice into the minutes. Board members present at the hearing were acknowledged.

Board staff at the Planning Board Chairman's request explained that the street list was updated on annual basis to incorporate any new streets created by subdivision, changes in the names of streets that were normally submitted by abutters to the road in question, and when they extinguish roads. Board members were advised that none occurred this year, so that she was not proposing any changes to the street list for 2022.

P. Munafo recommended moving forward on the process to accept the street list for 2022. C. Doble seconded the motion. D. Bellante Holand roll called the Board: Alexander, Miller, Doble, Robinson, Munafo and Bellante Holand voted in favor of the motion.

There being no further comment, B. Robinson moved to close the hearing. P. Munafo seconded the motion. D. Bellante Holand roll called the Board: Doble, Alexander, Miller, Robinson, Munafo and Bellante Holand all voted in favor of the motion.

## **BOARD DISCUSSIONS:**

### **A. NEW BUSINESS**

1. Development Guides  
RE: Revisions

2. Master Plan RFQ  
A. Contract (Update)  
B. Steering Committee (Update)

3. Upcoming TPB Calendar: Public Hearings, Appointments & Discussions

### **B. OLD BUSINESS**

1. Committee Reports (Updates only)  
A. Vision Forum  
B. Land Bank Advisory Committee  
C. Tisbury Housing Committee  
D. Community Preservation Committee  
E. Water Resource Committee  
F. Sewer Advisory Committee  
G. Site Plan Review Board

H. Open Space and Recreation Committee – C. Doble reported that the committee submitted a warrant article requesting additional funds to fund a contract for the services of an engineer (assess the bandstand’s foundation) and for Keith Moskow. She mentioned that K. Moskow offered to do the construction plans at his own cost, and E. Miller had reached out to local contractors to see if they would help construct the new band stand.

I. Energy Committee

J. All Island Planning Board

K. Climate Committee

L. Tisbury Waterways Committee

2. Uses requiring a Special Permit

*A.* Main Street Medicinals – E. Miller & D. Bellante

*B.* MV Shipyard – C. Doble

*C.* Tisbury Marine Terminal – B. Robinson

*D.* 4 Beach Road LLC (Educomp) - C. Alexander

*E.* Hinckleys – E. Miller & B. Robinson

*F.* Patrick Lyons – 70 seat Restaurant (Bldg E) – Board staff reported that she had not received any of the information C. Doble requested of the applicant. C. Doble was going to review her notes and reach out to the applicant. She felt that if the applicant did not provide the information they should continue the hearing. She hoped A. Turner would be able to update the Board on his progress in negotiating a traffic study for this study. B. Robinson believed the MV Commission postponed their discussions until they received the traffic report. D. Bellante Holand agreed and thought they should consider continuing the hearing until they had decisive information to work with.

*G.* Greg Carroll, 5 McClellan Way – Board staff informed the Board that M. Nicotera had requested a continuation to March 16, 2022.

**CORRESPONDENCE:**

1. Martha’s Vineyard Commission

A. Extended Meeting Schedule

B. LUPC Meeting

Other business not reasonably anticipated 48 hours in advance of meeting

**PRO FORM**

Meeting opened, conducted and closed in due form at 7:13 P.M.  
(m/s/c 5/0/0)

Respectfully submitted;

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Patricia V. Harris, Secretary

**APPROVAL:**

Approved and accepted as official minutes;

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Date

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Dawn Bellante-Holand  
Chairman